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6 Attorney for Duane Timothy Lloyd

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 DUANE TIMOTHY LLOYD,
13 Defendant.

Case No. 2:22-MJ-00635-DJA

ORDER TO CONTINUE
TRIAL
(Fourth Request)

15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
16 United States Attorney, and Imani Dixon Assistant United States Attorney, counsel for the
17 United States of America, and Rene L. Valladares, Federal Public Defender, and Navid Afshar,
18 Assistant Federal Public Defender, counsel for Duane Timothy Lloyd, that the trial currently
19 scheduled for August 1, 2023, be vacated and continued to a date and time convenient to the
20 Court, but no sooner than forty-five (45) days.

21 This Stipulation is entered into for the following reasons:

- 22 1. Counsel for the defendant needs additional time to conduct investigation in this
23 case in order to determine whether there are any pretrial issues that must be litigated and
24 whether the case will ultimately go to trial or will be resolved through negotiations.
25 2. The defendant is not incarcerated and does not object to the continuance.
26 3. The parties agree to the continuance.

1 4. The additional time requested herein is not sought for purposes of delay, but
2 merely to allow counsel for defendant sufficient time within which to be able to effectively and
3 complete investigation of the discovery materials provided.

4 5. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice. The additional time requested by this Stipulation is excludable in computing the time
6 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
7 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
8 Section 3161(h)(7)(B)(i), (iv).

9 This is the fourth request to continue trial date filed herein.

10 DATED this 24th day of July, 2023.

11
12 RENE L. VALLADARES
13 Federal Public Defender

12 JASON M. FRIERSON
13 United States Attorney

14 By: *Navid Afshar*

14 By: *Imani Dixon*

15 _____
16 NAVID AFSHAR
17 Assistant Federal Public Defender

15 _____
16 IMANI DIXON
17 Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUANE TIMOTHY LLOYD,

Defendant.

Case No. 2:22-mj-00635-DJA-1

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs additional time to conduct investigation in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 13th day of October, 2023, by the hour of 4:00 p.m.

IT IS FURTHER ORDERED that the trial currently scheduled for August 1, 2023, at the hour of 9:00 a.m., be vacated and continued to October 17, 2023, at the hour of 9:00 a.m.

DATED this 26th day of July, 2023.



DANIEL J. ALBREGTS
U.S. Magistrate Judge